

11/18/08

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**City of Santa Clara  
PLANNING COMMISSION  
Wednesday, October 22, 2008  
7:00 P.M.  
CITY COUNCIL CHAMBERS  
MINUTES**

Please refer to the Planning Commission Procedural Items coversheet for information on all procedural matters.

**REGULAR ITEMS – 7:00 p.m.**

**1. PLEDGE OF ALLEGIANCE and INVOCATION**

Chairperson Fitch initiated the Pledge of Allegiance, and the Invocation was read.

**2. ROLL CALL**

The following Commissioners responded to roll call: Chairperson Todd Fitch, Vice-Chairperson Teresa O'Neill, Commissioners Tony Marine, Keith Stattenfield, Frank Barcells, Robert Mayer, and Ian Champeny.

Staff present were Development Review Officer Gloria Sciara, Assistant City Attorney Julia Hill, Civil Engineer II Darrell Mackie and Office Specialist IV Susan Landers.

**3. DISTRIBUTION OF AGENDA AND STAFF REPORTS**

Ms. Sciara said that copies of current agendas and staff reports for each of the items on the agenda are available from the Planning Division Office on the Friday afternoon preceding the meeting and are available at the Commission meeting at the time of the hearing.

**4. DECLARATION OF COMMISSION PROCEDURES**

Chairperson Fitch reviewed Planning Commission procedures for those present.

**5. REQUESTS FOR EXCEPTIONS, WITHDRAWALS AND CONTINUANCES**

- A) Withdrawals – None
- B) Continuances without a hearing - None
- C) Exceptions (requests for agenda items to be taken out of order) - None

**6. ITEMS FOR COUNCIL ACTION**

The following items from this Planning Commission agenda are recommendations to the City Council and will be scheduled for Council review following the conclusion of hearings and recommendations by the Planning Commission. Due to timing of notices for Council hearings and the preparation of Council agenda reports, these items may be heard concurrently with or subsequent to the Council review of these minutes. Please contact the Planning Division office for information on the schedule of hearings for these items:

None

**7. ORAL PETITIONS/ ANNOUNCEMENTS AND COMMUNICATIONS**

- A) None

**8. CONSENT CALENDAR**

Commissioner Marine made a motion to approve the Consent Calendar (Items 8.A., 8.B. and 8.C.), seconded by Commissioner Champeny, and the motion was approved unanimously.

**Routine Items/Consent Calendar**

**8.A.** Planning Commission Minutes of October 8, 2008 – Approved as submitted.

## **Public Hearing Items/Consent Calendar**

**8.B.** File: **PLN2008-07317**  
Location: 3212 El Camino Real, a 1,200 square foot tenant space in a strip mall on the south side of El Camino Real, approximately 200 feet west of Calabazas Boulevard (APN: 290-03-064). Property is zoned CT (Thoroughfare Commercial).  
Applicant/Owner: Hae Ran Yi for Dumpling & Noodle/East West Management  
Request: **Use Permit** to allow beer and wine service in an existing restaurant in conjunction with food service  
Project Planner: Julie Maloney, Associate Planner

CEQA Determination: Categorically exempt per CEQA Section 15301  
**Action: Approved, subject to conditions**

**8.C.** File: **PLN2008-07319**  
Location: 3471 & 3475 Woodward Ave, Santa Clara, CA 95054  
Applicant/Owner: Neal Newman/John Bertoltti  
Request: **Use Permit Amendment** to allow expansion of an existing 4,838 square feet of self defense training facility approved in 2005 into an adjacent 1,267 square feet space for a total of 6,105 square feet. The expansion space contains two existing restrooms and the balance of the space will supplement the current training floor space.  
Project Planner: Bridgette Carroll, Assistant Planner

CEQA Determination: Categorically exempt under Section 15303 of the CEQA guidelines  
**Action: Approved, subject to conditions**

\*\*\*\*\***End of Consent Calendar**\*\*\*\*\*

## **USE PERMITS**

**9.** File: **PLN2008-07339**  
Location: 1313 Franklin Street, a 37,418 square foot parcel located on the southwest corner of Franklin and Monroe Streets. Property is zoned Community Commercial (CC) zone.  
Applicant/Owner: Neto's Market & Grill/Debra Costa/VFW Post 3982  
Request: **Use permit** for alcohol sales onsite and off-sale alcohol sales, inside live entertainment in an existing building; 40 outdoor seating and outside BBQ  
Project Planner: Bridgette Carroll

CEQA Determination: Categorically exempt under Section 15303 of the CEQA guidelines

## **Summary of Discussion**

Chairperson Fitch recused himself, as he lives within 500 feet of the property, and Vice Chair O'Neill became the Acting Chairperson. Ms. Sciara presented information on the project and said a condition from Public Works was needed stating "Continue to defer standard street improvements along the frontage until required by the City." Ms. Sciara also said that there may be a requirement for fire sprinklers. Commissioner Marine questioned the wording "may be." Attorney Hill said that the item would be a condition of approval and from a legal perspective the wording did not present a problem. There was further discussion by Commissioners, then Vice Chair O'Neill called upon the applicants, Ed and Deborah Costa.

Mr. Costa said Condition 10 limited the live entertainment to non-amplified music from 7:00 to 9:00 p.m., Monday through Saturday, and he requested that amplified music be allowed on Friday and Saturday evenings from 6:00 to 10:00 p.m. There was further discussion about allowing amplified music near a residential area, about the location of the building doors and about the materials to be used for landscaping. Commissioner Marine suggested imposing a decibel level at the property line, and Ms. Sciara said the condition could incorporate compliance with the City's noise ordinance. Commissioner Marine also suggested adding a condition that there be a six to twelve month review from the time the business opens.

Mr. James Rowen spoke in support of the request for amplified music, noting other similar uses in the area.

The public hearing was closed, and Commissioner Marine moved to approve the Use Permit, with the change to Condition 10 to allow amplified music or sound systems from 6:00 to 10:00 p.m., Friday and Saturday, and 7:00 to 9:00 p.m., Sunday through Thursday; and with the additions of Condition 12, for a six to twelve month review from the business opening; Condition 13, that the Fire Department may require conditions after they review the construction drawings; and Condition 14, to continue to defer standard street improvements along the frontage until required by the City (see Covenant SC 14,806 and Parcel Map 442 M 26). Commissioner Champeny seconded the motion, and it was approved unanimously.

**Action: Approved, subject to conditions**

## **OTHER BUSINESS**

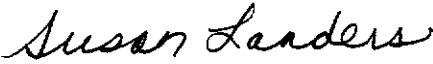
### **10. Commission Procedures and Staff Communications**

- i. Announcements/Other Items – Commissioner Champeny asked that the record reflect that he had spoken with staff and the City Clerk concerning his allegation that the September 24<sup>th</sup> Planning Commission minutes had errors and omissions, prior to the City Council meeting at which the minutes were noted and filed. Chairperson Fitch asked to have the September 24<sup>th</sup> minutes put on the agenda for discussion at the next Planning Commission meeting.
- ii. Report of the Director of Planning and Inspection
  - City Council Actions – Ms. Sciara reported on the October 14<sup>th</sup> meeting.
  - Commission/Board Liaison and Committee Report - None
  - Commission/Committee Assignments - Assignments are reflected in the next three bulletpoint items.
  - Architectural Committee: Commissioners Stattenfield and Mayer (Barcells alternate)
  - Station Area Plan: Commissioner Champeny
  - General Plan sub-Committee: Commissioners Fitch and O'Neill (Champeny alternate)
- iii. Commission Procedures
  - Planning Procedures
  - Work plan items
  - Commissioner Travel and Training reports – Commissioner Stattenfield said he planned to tour the San Jose/Santa Clara Water Pollution Control Plant on October 24<sup>th</sup>. Also, he asked whether there were any commissioner training opportunities locally to compare to a training opportunity offered at the UCLA extension, and Staff was unaware of any. Commissioner O'Neill said the Commissioners had asked about Web-based training opportunities.
- iv. Upcoming agenda items

## 11. ADJOURNMENT

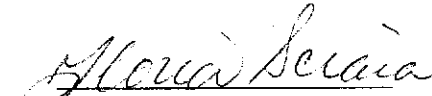
The meeting was adjourned at 7:52 p.m.

Respectfully submitted:




Susan Landers  
Office Specialist IV

Approved:



Gloria Sciara, AICP  
Development Review Officer

Approved:



Kevin Riley  
Director of Planning & Inspection

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Wednesday, October 22, 2008  
7:00 P.M.  
CITY COUNCIL CHAMBERS  
SUMMARY OF ACTIONS**

Please refer to the Planning Commission Procedural Items coversheet for information on all procedural matters.

**REGULAR ITEMS – 7:00 p.m.**

- 1. PLEDGE OF ALLEGIANCE and INVOCATION**
- 2. ROLL CALL** - All Commissioners were present.
- 3. DISTRIBUTION OF AGENDA AND STAFF REPORTS**
- 4. DECLARATION OF COMMISSION PROCEDURES**
- 5. REQUESTS FOR EXCEPTIONS, WITHDRAWALS AND CONTINUANCES**
  - A) Withdrawals – None
  - B) Continuances without a hearing - None
  - C) Exceptions (requests for agenda items to be taken out of order) - None

**6. ITEMS FOR COUNCIL ACTION**

The following items from this Planning Commission agenda are recommendations to the City Council and will be scheduled for Council review following the conclusion of hearings and recommendations by the Planning Commission. Due to timing of notices for Council hearings and the preparation of Council agenda reports, these items may be heard concurrently with or subsequent to the Council review of these minutes. Please contact the Planning Division office for information on the schedule of hearings for these items:

None

**7. ORAL PETITIONS/ ANNOUNCEMENTS/COMMUNICATIONS/SPECIAL ORDER OF BUSINESS** - None

**8. CONSENT CALENDAR**

The following routine administrative and public hearing items were approved under the Consent Calendar unless otherwise noted.

**Routine Items/Consent Calendar**

- 8.A.** Planning Commission Minutes of October 8, 2008 – Approved as submitted.

**Public Hearing Items/Consent Calendar**

- 8.B.**
- |                  |  |
|------------------|--|
| File:            | <b>PLN2008-07317</b>   |
| Location:        | 3212 El Camino Real, a 1,200 square foot tenant space in a strip mall on the south side of El Camino Real, approximately 200 feet west of Calabazas Boulevard (APN: 290-03-064). Property is zoned CT (Thoroughfare Commercial). |
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Project Planner: conjunction with food service  
Julie Maloney, Associate Planner

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**Action: Approved, subject to conditions**

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Project Planner: Bridgette Carroll, Assistant Planner

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**Action: Approved, subject to conditions**

\*\*\*\*\***End of Consent Calendar**\*\*\*\*\*

## USE PERMITS

**9. File: PLN2008-07339**  
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 Project Planner: Bridgette Carroll

CEQA Determination: Categorically exempt under Section 15303 of the CEQA guidelines  
**Action: Approved, subject to conditions, including added conditions 12, 13, and 14**

## 10. OTHER BUSINESS

### A. Commission Procedures and Staff Communications

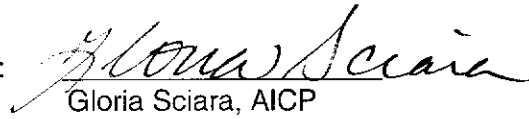
*Public comment on these items may be limited to one minute, at discretion of the Chair*

- i. Announcements/Other Items  
 Commissioner Champeny alleged there were errors and omissions in the September 24, 2008 Planning Commission minutes. Chairperson Fitch asked that the item be placed on the November 12, 2008 Planning Commission agenda.
- ii. Report of the Director of Planning and Inspection
  - City Council Actions
  - Commission/Board Liaison and Committee Report
  - Commission/Committee Assignments
  - Architectural Committee: Commissioners Stattenfield and Mayer (Barcells alternate)
  - Station Area Plan: Commissioner Champeny
  - General Plan sub-Committee: Chair Fitch and Commissioner O'Neill (Champeny alternate)
- iii. Commission Procedures
  - Planning Procedures – Discussion took place regarding Planning Division's procedure for responding to emails, letters and phone calls from citizens.

- Work plan item
  - Commissioner Travel and Training reports
- iv. Upcoming agenda items

**11. ADJOURNMENT – 7:52 p.m.**

Approved:



Gloria Sciara, AICP  
Development Review Officer

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